

Message Text

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43

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FM SECSTATE WASHDC

TO AMEMBASSY BERN PRIORITY

C O N F I D E N T I A L STATE 040930

E.O. 11652: GDS

TAGS:PFOR, CFED, SZ

SUBJECT: JUDICIAL ASSISTANCE TREATY

REF: BERN 0761

1. RE REFTEL, DEPARTMENT CONFIRMS THAT TEXT OF PRESIDENT'S TRANSMITTAL MESSAGE WAS IDENTICAL TO THAT SENT BY L TO DEPUTY SECRETARY ON FEBRUARY 3.

2. TEXT FOLLOWS:

BEGIN TEXT

TO THE SENATE OF THE UNITED STATES:

I TRANSMIT HERewith THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE SWISS CONFEDERATION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, SIGNED AT BERN ON MAY 25, 1973, SIX EXCHANGES OF INTERPRETATIVE LETTERS OF THE SAME DATE, AND AN EXCHANGE OF INTERPRETATIVE LETTERS DATED DECEMBER 23, 1975. I URGE THAT THE SENATE ADVISE AND CONSENT TO RATIFICATION OF THE TREATY AND RELATED MATTERS.

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THE TREATY IS THE FIRST MAJOR INTERNATIONAL AGREEMENT BY

THE UNITED STATES AIMED AT OBTAINING INFORMATION AND EVIDENCE NEEDED FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS. COOPERATION OF THIS KIND WITH SWITZERLAND IS UNIQUELY IMPORTANT BECAUSE OF ITS POSITION AS AN INTERNATIONAL FINANCIAL CENTER. DESPITE THE GENERAL COOPERATION OF SWISS AUTHORITIES IN CRIMINAL CASES, THE PROCEDURES FOR OBTAINING NEEDED INFORMATION HAVE BEEN GENERALLY PONDEROUS AND INADEQUATE. DESPITE THIS COOPERATION, UNITED STATES LAW ENFORCEMENT AND INVESTIGATIVE AGENCIES HAVE FREQUENTLY ENCOUNTERED SEVERE DIFFICULTIES IN OBTAINING NEEDED INFORMATION FROM SWISS BANKS BECAUSE OF BANKING SECRECY LAWS.

THE NEW TREATY, AS IMPLEMENTED BY SWISS LEGISLATION; SHOULD OPEN UP NEW AVENUES OF COOPERATION IN SWITZERLAND AND GREATLY FACILITATE THE WORK OF THE UNITED STATES LAW ENFORCEMENT AND PROSECUTIVE AGENCIES, ESPECIALLY IN DEALING WITH CASES INVOLVING ORGANIZED CRIME. ASSISTANCE WILL EXTEND TO ASCERTAINING THE WHEREABOUTS OF PERSONS, TAKING TESTIMONY, PRODUCING AND PRESERVING JUDICIAL AND OTHER DOCUMENTS, RECORDS AND EVIDENCE, AND SERVING AND AUTHENTICATING JUDICIAL AND ADMINISTRATIVE DOCUMENTS.

THE TREATY IS EXPECTED TO PROVIDE A USEFUL AND SIGNIFICANT TOOL IN COMBATING CRIME AND BRINGING OFFENDERS TO JUSTICE. I RECOMMEND THAT THE SENATE GIVE THE TREATY AND RELATED LETTERS PROMPT CONSIDERATION AND CONSENT TO THEIR RATIFICATION.

GERALD R. FORD.

END TEXT INGERSOLL

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